

UNITED STATES DISTRICT COURT

for the
District of New MexicoIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The person of Joseph BALDONADO
(DOB: 08/24/1985)

Case No. 21-MR-792



FILED
United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A (incorporated by reference)

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B (incorporated by reference)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm
18 U.S.C. § 924	Penalties

The application is based on these facts:

The affidavit of Special Agent Shayne Beckford is incorporated herein by reference. AUSA Jack E. Burkhead has reviewed and approved the affidavit.

- ☐ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

Shayne Beckford Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 Telephonically Sworn and Electronically Signed (specify reliable electronic means).

Date: ~~XXXXXX~~  June 10, 2021

City and state: Albuquerque, NM


 Judge's signature

Laura Fashing, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

**AFFIDAVIT IN SUPPORT OF AN APPLICATION UNDER
RULE 41 FOR A WARRANT TO SEARCH AND SEIZE**

I, Shayne Beckford, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Justice Procedure for a warrant to search the body of the suspect, Joseph BALDONADO to collect Deoxyribonucleic Acid (DNA) samples by way of a buccal swabs and major case prints.

2. BALDONADO is an inmate at Cibola County Detention Center located in Milan, NM.

3. I am a Special Agent ("SA") with the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI") and have been employed as such since March 2019. I am currently assigned to the Albuquerque, New Mexico Deputy Special Agent in Charge ("DSAC") field office.

4. I am a graduate of the Federal Law Enforcement Training Center (FLETC) and a graduate of Homeland Security Investigations Special Agent Training (HSISAT) in Glynnco, Georgia. I received a Bachelor of Arts in Law & Justice in 2009 and a Master of Arts in Criminal Justice in 2012 from Rowan University. Prior to becoming a Special Agent, I worked for New Mexico State Police (NMSP) as a law enforcement officer for approximately 7 years. While employed with NMSP, I was a narcotics agent for approximately two years and participated in numerous drug and criminal investigations. I have received extensive training and practical experience pertaining to federal criminal procedures, federal criminal statutes, United States Immigration and Nationality law, United States Customs laws and regulations, and other federal and state laws pertaining to, but not limited to: Alien Smuggling/Human Trafficking,

fraudulent document manufacture and sales; the importation and distribution of controlled substances, firearms, commercial fraud, and conspiracy.

5. I have also acquired knowledge and information about such offenses, and the various means and methods by which they are furthered from numerous sources, including formal and informal training from other law enforcement officers, investigators, and Special Agents ("SA"); interviews of informants and arrestees, and interviews of other knowledgeable individuals.

6. I make this affidavit based upon my own personal knowledge, which is substantially derived from my participation in the investigation, as well as that of fellow agents and officers who have participated in the investigation.

PARAMETERS

7. The statements contained in this affidavit are based upon my personal knowledge and/or on information provided by other domestic law enforcement officers, agents, and personnel, as well as on your affiant's experience, background, and training. Because this affidavit is being submitted for the limited purpose listed above, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts believed to be necessary to establish probable cause to support a search warrant to collect BALDONADO's DNA. Where statements made by others or from documentary review have been reported, said statements are reported in substance and in part, unless otherwise noted.

PROBABLE CAUSE

8. On Tuesday, June 1, 2020, at approximately 4:50 p.m. Los Lunas Police Department ("LLPD") dispatch received a 911 call for service from a person only identified in this document as reporting party ("RP"). RP told dispatchers a male subject named Joseph BALDONADO pointed a firearm at RP and RP's vehicle. RP told dispatchers BALDONADO was driving a white GMC Yukon with a partial license plate of "33538" traveling west on State Road 6 in Los Lunas, NM. LLPD officers were dispatched

to the location of the incident and attempted to locate the white GMC Yukon. LLPD Sgt. John Valdez observed the white GMC sports utility vehicle travel west on State Road 6. LLPD Sgt. Valdez engaged his emergency equipment and stopped the white GMC Yukon near the intersection of State Road 6 and Emilio Lopez Rd in Los Lunas, NM. BALDONADO was given commands by the LLPD Officers. BALDONADO exited the vehicle and was taken into custody on a felony warrant issued out of Valencia County, NM for aggravated assault with a deadly weapon. BALDONADO was the sole occupant inside the vehicle stopped by LLPD Sgt. Valdez. I observed the white GMC Yukon after the felony stop occurred and it displayed a NM license plate "33538UNM"

9. LLPD Officer Sgt. Valdez and LLPD Officer Preston Smith conducted an inventory search of the white GMC Yukon and located a firearm and a clear plastic bag containing blue pills in plain view located in an opening underneath the center console. The opening underneath the center console was within arm's reach of the driver's seat. The round blue pills found next to the firearm are suspected fentanyl pills.

10. LLPD Officers sealed the vehicle up, requested a tow truck to tow the vehicle, and petitioned for a state search warrant. On Wednesday, June 2, 2021 the petitioned warrant for the search of the white GMC Yukon was approved by a district court judge. On Wednesday, June 2, 2021 LLPD executed a state search warrant in my presence on the white GMC Yukon. Items found inside the white GMC sports utility vehicle and seized by HSI are as follows.

- a. A Smith and Wesson black revolver identified by serial number "CJP1613."
- b. Five rounds of .38 special plus P ammunition.
- c. A clear plastic bag containing blue circular pills labeled "M/30".
- d. A clear plastic bag containing a rock like brown substance.
- e. A piece of white paper that item d. was wrapped in and that appears to have blood on it.

11. On Wednesday, June 2, 2021 I conducted an inquiry of the firearm located inside the vehicle utilizing the serial number, make and model. The results of the inquiry on the firearm removed from the vehicle BALDONADO was driving advised the firearm was a stolen.

12. On Wednesday, June 2, 2021 HSI SA Daniel Meytin tested the suspected narcotic in a clear bag containing blue circular pills labeled "M/30". The suspected narcotic weighed 20.94 grams. SA Meytin tested the suspected narcotic utilizing the MX908 mobile mass spectrometer to test the substance and it presumptively tested positive for acetaminophen, with traces of amphetamine, ephedrine, and methamphetamine.

13. On Wednesday, June 2, 2021 HSI SA Daniel Meytin tested the suspected narcotic in a clear bag containing rock like brown substance. The suspected narcotic weighed 11.73 grams. SA Meytin tested the suspected narcotic utilizing the MX908 mobile mass spectrometer to test the substance and it presumptively tested positive for narcotic heroin with traces of fentanyl.

14. I conducted a query of BALDONADO's biographical information and found BALDONADO had previously been issued FBI number XXXXX8VB0. I conducted a criminal history check on BALDONADO which revealed BALDONADO is a felon and is also currently on federal supervised release. Specifically, in 2016, BALDONADO pled guilty to 21 USC 841 (b)(1)(B) Possession with intent to Distribute 50 Grams of More of a Mixture and Substance containing Methamphetamine and was committed to the custody of the United States Bureau of Prisons for a total term of 60 months. In 2006 BALDONADO was charged with Escape from jail and sentenced to nine months and twenty-two days. Additionally, in 2007 BALDONAO pled guilty to attempted armed robbery and was sentenced to a four-year prison term in Valencia County. Multiple records checks conducted, revealed BALDONADO resides at 13 Carmel Rd, Los Lunas, NM 87031.

15. Based on my training and experience, I am aware that individuals that handle firearms or ammunition may leave their DNA and/or fingerprints on the firearms, ammunition, or associated parts. I believe the firearm seized from BALDONADO's vehicle may contain DNA. The firearm is presently in

Homeland Security Investigation (HSI) evidence vault located in Albuquerque NM. I intend to send the firearm, and DNA sample swabs obtained from them, to the Federal Bureau of Investigations (FBI) laboratory for DNA testing. I will request the laboratory compare any potential DNA found on the firearms, to the DNA of BALDONADO.

16. Based on the details contained herein, I submit that this affidavit supports probable cause that evidence of a violations of 18 U.S.C. § 922(g)(1) possession of a firearm and ammunition by a convicted felon, will be found on the person of BALDONADO. As such, I would like to collect DNA samples and major case prints from BALDONADO to be utilized in the examination of the evidence collected in this matter.

CONCLUSION

17. Based on the aforementioned information, I believe probable cause exists to search BALDONADO to collect DNA samples by buccal swabs and major case prints, pursuant to Rule 41 of the Federal Rules of Criminal Procedure.

Respectfully submitted,



Shayne Beckford
Special Agent

Telephonically sworn and electronically signed
on June 10, 2021:

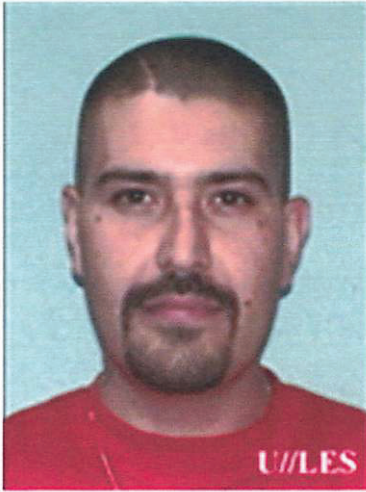
10 *PO*


Honorable Laura Fashing
United States Magistrate Judge

ATTACHMENT A

The person to be searched is Joseph BALDONADO (DOB: 08/24/1985). BALDONADO is currently an inmate at Cibola Detention Center located in Milan, NM.

This is a photograph of Joseph BALDONADO.:



This warrant authorizes the search of the person of Joseph BALDONADO for the purpose of obtaining property described in Attachment B.

ATTACHMENT B

The items to be obtained are:

1. Deoxyribonucleic Acid (DNA) samples by way of buccal swabs.
2. Major Case Prints, namely impressions of the entirety of both of Joseph BALDONADO's hands including prints of his palms and fingers